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UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

NORTHWEST ENVIRONMENTAL
ADVOCATES, a non-profit corporation,

Civil No.: 3:12-cv-01751-AC

Plaintiff,

v.

UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY, a United States
Government Agency,

**UNOPPOSED MOTION FOR
EXTENSION OF BRIEFING
SCHEDULE**

Defendant,

and

STATE OF OREGON; OREGON WATER
QUALITY STANDARDS GROUP; THE
FRESHWATER TRUST

Intervenors-Defendants.

MOTION

Federal Defendant the United States Environmental Protection Agency (“EPA”) requests that the Court extend by three weeks the briefing schedule established by the Scheduling Order (ECF No. 157) and enter the following schedule:

Response Brief of Defendant U.S. Environmental Protection Agency is due 2/16/2018.

Response Briefs of Intervenors State of Oregon, Oregon Water Quality, Standards Group, and The Freshwater Trust is due 3/16/2018.

Reply Brief of Plaintiff Northwest Environmental Advocates is due 5/11/2018.

Pursuant to Local Rule 7, counsel for EPA conferred with counsel for all parties and obtained their consent to this motion.

BACKGROUND AND SUPPORT FOR MOTION

1. On September 13, 2017, the Court entered a Scheduling Order (ECF No. 157) adopting the briefing schedule proposed by the parties. Among other things, the Order provided:

Opening Brief of Plaintiff Northwest Environmental Advocates is due 11/17/2017. Response Brief of Defendant U.S. Environmental Protection Agency is due 1/26/2018. Response Briefs of Intervenors State of Oregon, Oregon Water Quality, Standards Group, and The Freshwater Trust is due 2/23/2018. Reply Brief of Plaintiff Northwest Environmental Advocates is due 4/20/2018.

2. Plaintiff filed its opening brief on November 17, 2017.

3. EPA requires additional time to prepare its response brief because of changes in the administration of EPA within the past several days, including a new EPA Assistant Administrator for the Office of Water and a new General Counsel. Extending the briefing schedule will allow EPA time to brief incoming administration officials with decision-making responsibility about this case, so that they may become familiar with the subject matter and issues presented. Requests to continue proceedings to allow time for new administration officials to become familiar with cases under their authority are customary. *See Brady Campaign to Prevent Gun Violence v. Salazar*, 612 F. Supp.

2d 1, 10 (D.D.C. 2009) (noting that an extension of a preliminary injunction briefing schedule was granted after a change in administration).

4. All parties consent to extend the briefing schedule by three weeks.

Accordingly, EPA requests that the Court extend by three weeks the current briefing schedule.

Respectfully submitted,

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